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EXAMINER

PESIN, BORIS M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/005,182	COHEN ET AL.	
	Examiner	Art Unit	
	Boris Pesin	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-47 and 64-72 is/are pending in the application.
- 4a) Of the above claim(s) 48-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

ph

DETAILED ACTION

Response to Amendment

This communication is responsive to Amendment A, filed 10/18/2004.

Claims 3-72 are pending in this application. Claims 3, 48, 62, 63, and 64 are independent claims. In the Amendment A, Claims 1 and 2 were canceled and claims 3-72 were added as new. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 3-47 and 64-72, drawn to monitor usage statistics, classified in class 715, subclass 738.
- II. Claims 48-63, drawn to context sensitive help system, classified in class 715, subclass 708.

The inventions are distinct, each from the other because of the following reasons:

Inventions in claims 3-47 and 64-72 and 48-63 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention in claims 48-63 has separate utility such as providing detailed help on fixing a web site.

See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with James Schutz on 3/3/2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 3-47 and 64-72. Affirmation of this election must be made by applicant in replying to this Office action. Claims 48-63 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-16, 21-47 and 64-72 are rejected under 35 U.S.C. 102(b) as being anticipated by RSW Software (E-Test Suite).

In regards to claim 3, RSW Software teaches a computer-implemented method for displaying patterns of utilization of a resource, wherein said resource includes a plurality of objects of interest, the method comprising the steps of: defining a task as a predetermined sequence of accesses to one or more objects of interest of said plurality of objects of interest (i.e. Page 2, "e-TESTER™ is used for functional/regression testing and serves as the script recorder for the entire e-TEST™ Suite. e-TESTER™ records all the objects on every page that you visit and automatically inserts test cases to validate these objects. The components of each page are represented graphically in the Visual Script and can be masked or augmented using simple point and click actions."); accessing data representative of one or more sequences of user accesses to one or more of said plurality of objects of interest; determining an association between said one or more sequences of user accesses and the performance of said task (i.e. Page 2 "e-LOAD™ is the easiest and most accurate way to test the scalability of your e-Business applications. e-LOAD™ emulates thousands of Virtual Users accessing your site simultaneously, and measures the effect of the load on application performance.

RSW's TrueLoad™ Technology ensures that your tests will closely correlate with real user load so you can confidently use e-LOAD™'s results to help make key decisions about your system's architecture, tuning, and hosting alternatives.”; and displaying information representative of the performance of said task. (i.e. Page 4, “The integrated real-time graphics capability in e-LOAD™ lets you see the results of your test in real time and modify your load scenarios on-the-fly. In addition, comprehensive reports summarizing all the test results are automatically generated at the touch of a button.”)

In regards to claim 4, RSW Software teaches a computer-implemented method of claim 3, wherein an object of interest is a web-page (i.e. Page 3).

In regards to claim 5, RSW Software teaches a method of claim 3, wherein said resource is a web-site (i.e. Page 3).

In regards to claim 6, RSW Software teaches a method of claim 3, wherein the step of defining a task as a predetermined sequence of accesses to one or more objects if interest, comprises: defining a step as an access to one or more objects of interest; and defining a task as a predetermined sequence of steps (i.e. Page 3, “e-TESTER™ maximizes your productivity by virtually eliminating the need for programming. The product provides two ways to create tests. First, you can create a Visual Script by simply interacting with your application in the seamlessly integrated browser. Second, you can automatically generate a map of your Web application and, with the touch of a button, create a comprehensive baseline test of the entire application or any subset of pages.”).

In regards to claim 7, RSW Software teaches a computer-implemented method of claim 6, wherein said step of displaying information representative of the performance of a task displays said information on a graphical display showing a number of users that completed each step of the path (i.e. Page 4, "Comprehensive Reports and Graphs").

In regards to claim 8, RSW Software teaches a computer-implemented method of claim 6, wherein completion of a step requires access to at least one of said one or more objects of interest (inherent in RSW Software otherwise all of the results would be failures).

In regards to claim 9, RSW Software teaches a computer-implemented method of claim 3, further comprising the step of : determining a recommendation for modifying links between objects of interest to increase a rate of user completion of said task (i.e. Page 5, Using a subset of the Visual Scripts™ created with e-TESTER, e-MONITOR schedules functional and performance testing around the clock. When a problem is detected, e-MONITOR provides a wide variety of corrective actions and notification options to alert systems managers to the nature of the problem.").

In regards to claim 10, RSW Software teaches a computer-implemented method of claim 3, wherein the step of determining an association between said one or more sequences of user accesses and the performance of said task comprises analyzing one or more users that spend a predetermined amount of time viewing said one or more of the objects of interest (i.e. Page 4).

In regards to claim 11, RSW Software teaches a computer-implemented method of claim 3, wherein the step of determining an association between said one or more sequences of user accesses and the performance of said task comprises analyzing one or more users that enter a web site at a particular object of interest (i.e. Page 4, "Comprehensive Reports and Graphs").

In regards to claim 12, RSW Software teaches a computer-implemented method of claim 3, wherein the step of determining an association between said one or more sequences of user accesses and the performance of said task comprises analyzing one or more users that enter a web site from a predetermined referring site (i.e. Page 3, "e-TESTER™ maximizes your productivity by virtually eliminating the need for programming. The product provides two ways to create tests. First, you can create a Visual Script by simply interacting with your application in the seamlessly integrated browser. Second, you can automatically generate a map of your Web application and, with the touch of a button, create a comprehensive baseline test of the entire application or any subset of pages.").

In regards to claim 13, RSW Software teaches a computer-implemented method of claim 3, wherein the step of determining an association between said one or more sequences of user accesses and the performance of said task comprises analyzing one or more users that access a predetermined minimum number of said objects of interest (i.e. Page 4, "Comprehensive Reports and Graphs").

In regards to claim 14, RSW Software teaches a computer-implemented method of claim 3, wherein the step of determining an association between said one or more sequences of user accesses and the performance of said task comprises analyzing one or more users that access a predetermined maximum number of objects of interest (i.e. Page 4, "Comprehensive Reports and Graphs").

In regards to claim 15, RSW Software teaches a computer-implemented method of claim 3, wherein the step of determining an association between said one or more sequences of user accesses and the performance of said task comprises analyzing one or more users that access a predetermined set of objects of interest (i.e. Page 4, "Comprehensive Reports and Graphs").

In regards to claim 16, RSW Software teaches a computer-implemented method of claim 15, wherein said one or more users access said predetermined set of objects of interest, but wherein such access is not performed during a single session (i.e. Page 3, "e-TESTER™ maximizes your productivity by virtually eliminating the need for programming. The product provides two ways to create tests. First, you can create a Visual Script by simply interacting with your application in the seamlessly integrated browser. Second, you can automatically generate a map of your Web application and, with the touch of a button, create a comprehensive baseline test of the entire application or any subset of pages.").

In regards to claim 21, RSW Software teaches a computer-implemented method of claim 3, further comprising the step of: providing a graphical user interface for

implementing the step of defining a task as a predetermined sequence of accesses to one or more objects of interest (i.e. Page 3, "e-TESTER™ maximizes your productivity by virtually eliminating the need for programming. The product provides two ways to create tests. First, you can create a Visual Script by simply interacting with your application in the seamlessly integrated browser. Second, you can automatically generate a map of your Web application and, with the touch of a button, create a comprehensive baseline test of the entire application or any subset of pages.").

In regards to claim 22, RSW Software teaches a computer-implemented method of claim 21, wherein said graphical user interface comprises a drag and drop interface (i.e. Page 3, "e-TESTER™ maximizes your productivity by virtually eliminating the need for programming. The product provides two ways to create tests. First, you can create a Visual Script by simply interacting with your application in the seamlessly integrated browser. Second, you can automatically generate a map of your Web application and, with the touch of a button, create a comprehensive baseline test of the entire application or any subset of pages.").

In regards to claim 23, RSW Software teaches a computer-implemented method of claim 21, wherein said graphical user interface comprises a task wizard interface (i.e. Page 3, "e-TESTER™ maximizes your productivity by virtually eliminating the need for programming. The product provides two ways to create tests. First, you can create a Visual Script by simply interacting with your application in the seamlessly integrated browser. Second, you can automatically generate a map of your Web application and,

with the touch of a button, create a comprehensive baseline test of the entire application or any subset of pages.”).

In regards to claim 24, RSW Software teaches a computer-implemented method of claim 21, wherein said graphical user interface comprises a selection list interface (i.e. Page 3, “e-TESTER™ maximizes your productivity by virtually eliminating the need for programming. The product provides two ways to create tests. First, you can create a Visual Script by simply interacting with your application in the seamlessly integrated browser. Second, you can automatically generate a map of your Web application and, with the touch of a button, create a comprehensive baseline test of the entire application or any subset of pages.”).

In regards to claim 25, RSW Software teaches a computer-implemented method of claim 3, wherein the step of displaying information representative of the performance of said task displays task performance statistics (i.e. Page 4, “Comprehensive Reports and Graphs”).

In regards to claim 26, RSW Software teaches a computer-implemented method of claim 25, wherein said task performance statistics comprise the number of times said task was started (i.e. Page 4, “Comprehensive Reports and Graphs”).

In regards to claim 27, RSW Software teaches a computer-implemented method of claim 25, wherein said task performance statistics comprise cumulative counts of next objects of interest accessed after the completion of said task (i.e. Page 4, “Comprehensive Reports and Graphs”).

In regards to claim 28, RSW Software teaches a computer-implemented method of claim 25, wherein said task performance statistics comprise the number of times said task was completed (i.e. Page 4, "Comprehensive Reports and Graphs").

In regards to claim 29, RSW Software teaches a computer-implemented method of claim 25, wherein said task performance statistics comprise the average number of accesses taken to complete said task (i.e. Page 4, "Comprehensive Reports and Graphs").

In regards to claim 30, RSW Software teaches a computer-implemented method of claim 3, wherein the step of displaying information representative of the performance of said task displays a user path for one or more users (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.").

In regards to claim 31, RSW Software teaches a computer-implemented method of claim 3, wherein the step of displaying information representative of the performance of said task displays a cumulative user path representative of an average path for a plurality of users (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.").

In regards to claim 32, RSW Software teaches a computer-implemented method of claim 3, wherein the step of displaying information representative of the performance of said task identifies objects of interest accessed by one or more users upon departure from said task (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.").

In regards to claim 33, RSW Software teaches a computer-implemented method of claim 32, wherein said departure from the task represents an action by a user inconsistent with completion of said task (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.").

In regards to claim 34, RSW Software teaches a computer-implemented method of claim 3, wherein the step of displaying information representative of the performance of a task displays an animated representation of a user path (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.").

In regards to claim 35, RSW Software teaches a computer-implemented method of claim 3, wherein the step of displaying information representative of the performance of a task displays the next object of interest accessed after one or more users completed said task (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.").

In regards to claim 36, RSW Software teaches a computer-implemented method of claim 3, wherein the step of displaying information representative of the performance of a task displays the next resource accessed after said task was completed (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.").

In regards to claim 37, RSW Software teaches a computer-implemented method of claim 3, wherein the step of displaying information representative of the performance of a task displays the referring object of interest accessed prior to starting said task (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.").

In regards to claim 38, RSW Software teaches a computer-implemented method of claim 3, wherein the step of displaying information representative of the performance of a task displays the referring resource accessed prior to starting said task (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.").

In regards to claim 39, RSW Software teaches a computer-implemented method of claim 3, further comprising the step of: retrieving a list of recommendations for improving user interaction with said resource (i.e. Page 5, Using a subset of the Visual Scripts™ created with e-TESTER, e-MONITOR schedules functional and performance testing around the clock. When a problem is detected, e-MONITOR provides a wide variety of corrective actions and notification options to alert systems managers to the nature of the problem.").

In regards to claim 40, RSW Software teaches a computer-implemented method of claim 39, further comprising the step of: displaying pages to be modified along with an associated recommended modification (i.e. Page 5, Using a subset of the Visual Scripts™ created with e-TESTER, e-MONITOR schedules functional and performance testing around the clock. When a problem is detected, e-MONITOR provides a wide variety of corrective actions and notification options to alert systems managers to the nature of the problem.").

In regards to claim 41, RSW Software teaches a computer-implemented method of claim 40, wherein the recommended modification recommends adding a link to an object of interest (i.e. Page 5, Using a subset of the Visual Scripts™ created with e-TESTER, e-MONITOR schedules functional and performance testing around the clock. When a problem is detected, e-MONITOR provides a wide variety of corrective actions and notification options to alert systems managers to the nature of the problem.”).

In regards to claim 42, RSW Software teaches a computer-implemented method of claim 40, wherein the recommended modification recommends adding text associated with a link to an object of interest (i.e. Page 5, Using a subset of the Visual Scripts™ created with e-TESTER, e-MONITOR schedules functional and performance testing around the clock. When a problem is detected, e-MONITOR provides a wide variety of corrective actions and notification options to alert systems managers to the nature of the problem.”).

In regards to claim 43, RSW Software teaches a computer-implemented method of claim 39, further comprising the step of: displaying one or more recommendations for modifications associated with a particular object of interest (i.e. Page 5, Using a subset of the Visual Scripts™ created with e-TESTER, e-MONITOR schedules functional and performance testing around the clock. When a problem is detected, e-MONITOR provides a wide variety of corrective actions and notification options to alert systems managers to the nature of the problem.”).

In regards to claim 44, RSW Software teaches, a computer-implemented method of claim 39, further comprising the step of: displaying a set of recommendations for modifying said resource; and displaying the structure of the resource (i.e. Page 5, Using a subset of the Visual Scripts™ created with e-TESTER, e-MONITOR schedules functional and performance testing around the clock. When a problem is detected, e-MONITOR provides a wide variety of corrective actions and notification options to alert systems managers to the nature of the problem.”).

In regards to claim 45, RSW Software teaches a computer-implemented method of claim 3, wherein each access of said predetermined sequence of accesses to one or more objects of interest of said plurality of objects of interest is a task element; and wherein the step of determining an association between said one or more sequences of user accesses and the performance of said task comprises: comparing said task to said one or more sequences of user accesses to one or more of said plurality of objects of interest to determine whether each task element was completed by a user (i.e. Page 4, “Comprehensive Reports and Graphs”).

Claims 46 and 47 are in the same scope as claim 3; therefore they are rejected under similar rationale.

In regards to claim 64, RSW Software teaches defining a task as a predetermined sequence of accesses to one or more objects of interest of said plurality of objects of interest (i.e. Page 2, “e-TESTER™ is used for functional/regression testing and serves as the script recorder for the entire e-TEST™ Suite. e-TESTER™ records

all the objects on every page that you visit and automatically inserts test cases to validate these objects. The components of each page are represented graphically in the Visual Script and can be masked or augmented using simple point and click actions.”); accessing data representative of one or more sequences of user accesses to said one or more of said plurality of objects of interest (i.e. Page 4, “Comprehensive Reports and Graphs”); filtering user accesses based on how the user performed said task (i.e. Page 4, “Comprehensive Reports and Graphs”); and displaying information regarding how the user accessed the objects of interest (i.e. Page 4, “Comprehensive Reports and Graphs”).

In regards to claim 65, RSW Software teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses based on how the user performed said task identifies one or more users that completed said task (i.e. Page 4, “Comprehensive Reports and Graphs”).

In regards to claim 66, RSW Software teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses based on how the user performed said task identifies one or more users that started said task (i.e. Page 3, “Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.”).

In regards to claim 67, RSW Software teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses based on how the user performed said task identifies one or more users that started said task but did not complete the task (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script." and Page 4, "Comprehensive Reports and Graphs").

In regards to claim 68, RSW Software teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses based on how the user performed said task identifies one or more users that accessed said resource from a predetermined set of resources (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script." and Page 4, "Comprehensive Reports and Graphs").

In regards to claim 69, RSW Software teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses based on how the user performed said task identifies one or more users that accessed said resource from a predetermined set of resources and then completed the task (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window.

Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.” and Page 4, “Comprehensive Reports and Graphs”).

In regards to claim 70, RSW Software teaches computer-implemented method of claim 64, wherein the step of filtering user accesses based on how the user performed said task identifies one or more users that accessed said resource from a predetermined set of objects of interest and then started the task (i.e. Page 3, “Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.” and Page 4, “Comprehensive Reports and Graphs”).

In regards to claim 71, RSW Software teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses based on how the user performed said task identifies one or more users that accessed said resource from a predetermined set of objects of interest and then completed the task (i.e. Page 3, “Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script.” and Page 4, “Comprehensive Reports and Graphs”).

In regards to claim 72, RSW Software teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses based on how the user performed said task identifies one or more users that completed said task and then accessed one or more of a predetermined set of objects of interest (i.e. Page 3, "Test results are displayed dynamically in the Visual Script tree as the test is being played back. In addition, a summary of the details of the playback is displayed in an output log window. Double clicking on any error event in the output log window advances you directly to the corresponding page in the script." and Page 4, "Comprehensive Reports and Graphs").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over RSW Software (E-Test Suite) in view of Houri (US 6665715).

In regards to claim 17, RSW Software teaches all the limitations of claim 3. RSW Software does not teach a method further comprising the step of identifying one or more users from a predetermined geographical region. Houri teaches, "In accordance with one embodiment of the invention, the location tracking system employs its trace engine module to send a route identification command to the end user so as to obtain the IP addresses of all the computer nodes employed in connecting the end user to the Internet. The database management engine then matches the IP address of the server that is directly connect to the end-user's computer to an IP address in the IP address-geographic location database. If a match is found, the end-user's geographical location is then estimated." Column 3, Line 27). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify RSW Software with the teachings of Houri and include a method to identify the location of the user with the motivation to provide more relevant information.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over RSW Software (E-Test Suite) in view of Primak et al. (US 6598077).

In regards to claim 18, RSW Software teaches all the limitations of claim 3. RSW Software does not teach a method further comprising the step of identifying one or ore users that have accessed said resource previously. Primak teaches, "Preferably, the

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content label can be used in one of the client requests to obtain the authentication to determine if the client has previously accessed the web site or the application server. For example, the system can authenticate or determine if the client had previously accessed the web site or the application server during the login or sign in process before the client can initiate any transaction or request for content." Column 4, Line 44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify RSW Software with the teachings of Primak and include a method to identify whether the user has previously accessed the web site or not with the motivation to provide a more detailed understanding of who is accessing the web site.

In regards to claim 19, RSW Software teaches all the limitations of claim 3. RSW Software does not teach a method identifying one or more users that have never accessed said resource previously. Primak teaches, "Preferably, the content label can be used in one of the client requests to obtain the authentication to determine if the client has previously accessed the web site or the application server. For example, the system can authenticate or determine if the client had previously accessed the web site or the application server during the login or sign in process before the client can initiate any transaction or request for content." Column 4, Line 44).

Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over RSW Software (E-Test Suite) in view of Boag et al. (US 6589291).

In regards to claim 20, RSW Software teaches all the limitations of claim 3. RSW Software does not teach a method comprising the step of identifying one or more users

accessing said resource with a predetermined web browser. Boag teaches, "This UserAgent value will identify the browser running on the client device. (Alternatively, protocols such as CC/PP may be available for querying the device/browser to determine its capabilities dynamically.)" Column 10, Line 47). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify RSW Software with the teachings of Boag and include a method of identifying a user's web browser with the motivation to provide a better understating of the technical capabilities of the users who are accessing the web site.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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